

JAY LEWIN, ESQ.
Member of the New York Bar
Not Admitted In Connecticut
357 Wellsville Avenue
New Milford, Connecticut 06776
Phone and Fax: (860) 350-0650

February 4, 2011

Honorable Members of the Environment Committee
Connecticut General Assembly
Room 3200, Legislative Office Building
Hartford, Connecticut 06106

Re: H. B. 5011
Session Year 2011

Honorable Members:

It is a certainty that all of you have at some time experienced the deafening noise of construction equipment or, if you have children or remember your disco or night-club days, the blasting of music beyond lyric-comprehension. No doubt all of you have also experienced the less deafening but no less annoying temporary noises like those from passing cars with radios at full blast. With both experiences, you may imagine that your stress levels increased and, likely, your blood pressure. Imagine, then, the impact of those stress-inducing noises if they were incessant and lasted for hours, days, months and even years.

Noise isn't a trite problem. And it's very subjective. What is annoying to some will not be to others; the psychological and physical impacts differ from person to person. Modern science proves that even transient exposure to noise can cause stress, anxiety and trauma. It can cause migraines, exacerbate pre-existing conditions and even deprive an otherwise normal person of his sanity.

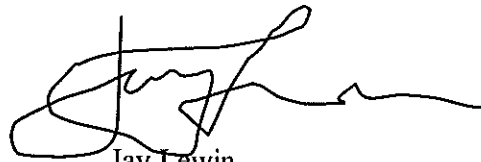
I think that we would all agree that a dog that barks incessantly is a problem. That's why CGS 22-363 was enacted many years ago. But you are here today because there's a problem with the Statute that must be addressed. Forgive me, but it's lacking some teeth.

Friends in New Milford have been suffering for a very long time at the hands of an irresponsible neighbor who harbors a small dog that has a large, shrill bark. The barking is induced by any small noise -- even the closing of a door -- and the neighbor, despite the issuance of multiple infractions, fails to curb the dog's bad behavior. After the issuance of each infraction, the neighbor makes a trip to the courthouse, pays the fine and awaits the issuance of the next infraction.

Although it is clear to me that Section 22-363 contemplates the issuance of a summons for a second violation of the Statute and thus an appearance before a judge who can order an appropriate remedy, two applications for warrants have apparently been denied in my friends' case.

I would like to thank Representative Chapin for making this proposal and I respectfully urge you to support this change to Section 22-363 that would make *mandatory* the issuance of a summons for a second offense.

Respectfully submitted,



Jay Lewin